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July 14, 2000

Magalie R. Salas, Esquire  
Secretary  
Federal Communications Commission  
Room TW-B204  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RECEIVED  
JUL 14 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Petition for Rulemaking to Amend Section  
73.606(b) of the Commission's Rules  
Channel 55 - Charleston, West Virginia

Dear Ms. Salas:

Transmitted herewith on behalf of Pappas Telecasting of America, A California Limited Partnership, applicant for a construction permit for a new television station at Charleston, West Virginia (File No. BPCT-960722KO), are an original and four copies of a Petition for Rulemaking to amend Section 73.606(b) of the Commission's rules. Please be advised that this rulemaking petition is being filed pursuant to *Public Notice*, 14 FCC Rcd 19559 (1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations"), as extended by *Public Notice*, 15 FCC Rcd 4974 (2000).

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,  
FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting  
Counsel for Pappas Telecasting of America,  
A California Limited Partnership

Enclosure  
cc (w/ encl.): Certificate of Service (by hand)

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

**RECEIVED**  
 JUL 14 2000  
 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.606(b) )

TV Table of Allotments )

TV Broadcast Stations )

(Charleston, West Virginia) )

MM Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), by counsel, and pursuant to Section 1.401 of the Commission's rules and *Public Notice*, 14 FCC Rcd 19559 (1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),<sup>1</sup> hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to substitute Channel 55 for the existing Channel 23 allotment at Charleston, West Virginia. Accordingly, Pappas proposes to amend Section 73.606(b) of the Commission's rules as follows:

**Channel No.****City****Present****Proposed**

Charleston, West Virginia

8+, 11+, 23, 29, \*49-

8+, 11+, **55**, 29, \*49-

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<sup>1</sup> On March 9, 2000, the Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000").

In support of this request, Pappas states the following:

Pappas currently has an application pending for a new NTSC television station to operate on Channel 23 at Charleston, West Virginia (File No. BPCT-960722KO). As demonstrated in the attached engineering statement of Pete Myrl Warren, the operation of a new television station on Channel 23 at Charleston would cause interference to a DTV Channel 26 allotment at Ashland, Kentucky, and a co-channel DTV allotment at Huntington, West Virginia. *See* Engineering Statement, Exhibit RM-1. As a result, pursuant to the *Window Filing Notice*, Pappas seeks to amend the TV Table of Allotments by substituting Channel 55 for the existing Channel 23 allotment at Charleston, West Virginia.

As demonstrated in Mr. Warren's attached engineering statement, from the allotment reference point,<sup>2</sup> the proposed allotment of Channel 55 at Charleston is fully-spaced to all NTSC and DTV allotments.<sup>3</sup> *See* Engineering Statement, Exhibits RM-2 and RM-3. Moreover, the proposed allotment would cause less than 0.5% interference to any digital station, which complies with the Commission's rules. *Id.*, Exhibit FLR-1. The proposed Channel 55 NTSC facility could operate from the allotment reference point with 5,000 kilowatts omni-directional effective radiated power at an antenna height of 387 meters above average terrain without adversely affecting any other

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<sup>2</sup> The reference coordinates for the proposed allotment are North Latitude: 38° 30' 21"; West Longitude: 82° 12' 33". These coordinates represent Pappas' proposed transmitter site, which is the authorized transmitter site of Station WOWK-TV, Huntington, West Virginia. The owner of the proposed transmitter site, Gateway Communications, Inc., has indicated that the site will be made available in the event this petition is granted and Channel 55 is allotted to Charleston.

<sup>3</sup> The proposed transmitter site for the Channel 55 allotment at Charleston is co-located with the adjacent-channel DTV allotment for Channel 54 at Huntington, West Virginia. *See* Engineering Statement, p. 2 and Exhibit RM-3.

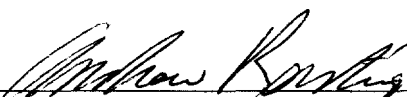
television station. The proposed new NTSC station would bring a new television service to 1,500,157 people in the Charleston area, and would provide an 80 dBu contour to the entire community of Charleston. *Id.* at 1.

In light of the above, Pappas requests that the Commission amend the TV Table of Allotments by substituting Channel 55 for the existing Channel 23 allotment at Charleston, West Virginia. In the event Channel 55 is allotted to Charleston, Pappas will amend its pending application in accordance with the Report and Order issued in this proceeding to specify the new channel, and modify its technical proposal as necessary so that the proposed Channel 55 NTSC facility will not cause harmful interference to any other television station. In the event its application is granted, Pappas will promptly construct and operate the new NTSC facility.

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, A California Limited Partnership, respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and substitute Channel 55 for the existing Channel 23 allotment at Charleston, West Virginia.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,  
A CALIFORNIA LIMITED PARTNERSHIP

By:   
\_\_\_\_\_  
Vincent J. Curtis, Jr.  
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.  
1300 North Seventeenth Street  
11<sup>th</sup> Floor  
Arlington, Virginia 22209  
(703) 812-0400

July 14, 2000

**WES, INC.**  
6200 Valeria Ln.  
El Paso, TX 79912

505-589-2224

**ENGINEERING EXHIBIT  
PETITION TO MODIFY THE TABLE OF  
ALLOTMENTS TO SPECIFY A  
DISPLACEMENT CHANNEL TO  
SUBSTITUTE FOR CHARLESTON, WV  
CHANNEL 23**

June 24, 2000


**ENGINEERING STATEMENT**

**Wes, Inc.**

## **DECLARATION**

I, Pete E Myrl Warren, III declare and state that I am a Certified Broadcast Engineer, by the Society of Broadcast Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Pappas Telecasting of America.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 24th day of June, 2000

**Narrative Statement**

**I. GENERAL**

This engineering report has been prepared on behalf of Pappas Telecasting of America, in support of its request for a displacement channel (Channel 55) for its pending application for Channel 23 in Charleston, WV (BPCT960722KO).

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for an existing allocation on channel 23 in Charleston, WV. The applicant is precluded from going on channel 23 due to interference to several short-spaced digital allotments as outlined in Exhibit RM-1

The applicant proposes a new site at the coordinates:

North Latitude: 38° 30' 21"

West Longitude: 82° 12' 33"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 55 (716-722 MHz) for the NTSC television operation of Pappas Telecasting of America. As demonstrated below, the proposed Channel 55 NTSC operation at Charleston, WV would not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Charleston, WV Channel 55 would provide additional service to a population of 1,500,157 people.

The proposed NTSC Channel 55 has site availability and can operate from the proposed antenna site with 5,000 kW omni-directional ERP and 387 meters HAAT without adversely impacting other TV operations. The proposed Channel 55 would serve all of Charleston, WV with at least an 80 dBu contour.



### Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 55, Charleston, WV, is free of all short-spacings to any other NTSC stations.

### Class A Situation

A complete study of all Class A LPTV stations has been conducted. Charleston, WV Channel 55 **will not cause any interference to any Class A stations.**

### DTV Allocation Situation

The attached Exhibit RM-3 lists all digital allotments that must be considered within 429 kilometers of the proposed rule-making. The applicant will be co-located with adjacent digital channel 54 in Huntington, WV. The applicant is free of all short-spacings to digital allotments. The applicant is spaced 318 kilometers from a co-channel digital in Louisville, KY. As is demonstrated in Exhibit FLR-1, Louisville 55 will receive interference of 642 people (0.04%) from Charleston, WV channel 55. Any amount of interference less than 0.5% is considered de minimus and acceptable.

## **III. Summary**

The applicant must change channel from Channel 23 in Charleston WV to channel 55 in order to avoid interference to digital television. On channel 55, Charleston will not cause any interference to any NTSC stations and less than 0.5% interference to any digital stations.

**Exhibit RM-1  
Charleston, WV**

**June 24, 2000  
by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on Charleston's original channel 23

Study Location:  
Charleston, WV Channel 23

NTSC Study Station, Transmitter Coordinates: 38-25-34 N 81-58-25 W

Study distance: 429 km

**\*\*\*NTSC TO DTV STUDY RESULTS\*\*\***

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Ashland	KY	26	274.03	56.57	80.50	-23.93
Lexington	KY	22	259.69	223.63	88.50	135.13
Morehead	KY	15	257.56	128.22	80.50	47.72
Morehead	KY	21	263.02	124.04	80.50	43.54
Pikeville	KY	24	200.95	135.62	88.50	47.12
Charlotte	NC	23	168.34	346.95	217.30	129.65
Athens	OH	27	351.25	99.71	80.50	19.21
Newark	OH	24	347.44	173.10	88.50	84.60
Jellico	TN	23	221.08	296.85	217.30	79.55
Charleston	WV	19	97.73	4.36	<24.1	19.74
Huntington	WV	23	293.35	23.34	217.30	-193.96

Station is short-spaced to 2 stations.

**Exhibit RM-2  
Charleston, WV**

**June 24, 2000  
by WES, Inc. Broadcast Consultants**

Spacing study to NTSC TV on channel 55

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Charleston, WV  
Channel: 55  
Database file name: tv000117.edx

Latitude: 38 30 21  
Longitude: 82 12 33

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
40-	WLFB	2852	BLUEFIELD	WV	1	C	149.5	165.4	119.9	
69+	ALLOTM	3225	PAINTSVILLE	KY	2		213.4	94.4	95.7	okay
Note: This channel must move to a channel between 2 and 51										
69+	NEW	3226	PAINTSVILLE	KY	2	A	213.4	94.4	95.7	okay
Note: This channel must move to a channel between 2 and 51										
69+	NEW	3227	PAINTSVILLE	KY	2	A	202.2	76.1	95.7	okay
Note: This channel must move to a channel between 2 and 51										
50-	NEW	3499	ASHLAND	KY	2	A	291.3	79.5	31.4	

\*\*\*\*\* End of channel 55 study \*\*\*\*\*

**Exhibit RM-3  
Charleston, WV**

**June 24, 2000  
by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on Ashland's new channel 55

Study Location:  
Charleston, WV Channel 55

NTSC Study Station, Transmitter Coordinates: 38-30-21 N 82-12-33 W

Study distance: 429 km

**\*\*\*NTSC TO DTV STUDY RESULTS\*\*\***

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.
Louisville	KY	55	267.01	318.15	217.30	100.85
Hagerstown	MD	55	70.77	388.87	217.30	171.57
Grandview	WV	53	122.35	126.49	80.50	45.99
Huntington	WV	54	0.00	0.00	<9.7	9.70

Station is in the clear!

**Exhibit FLR-1  
Charleston, WV  
June 24, 2000**

**Fortran Longley-Rice Interference Study  
by WES, Inc. Broadcast Consultants**

Study not including Charleston, WV Channel 55:

Run begins Sat Jun 24 18:02:17 2000, host providence  
Analysis of: 55A KY LOUISVILLE  
HAAT 439.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1500157	28667.0
not affected by terrain losses	1481546	27984.8
lost to NTSC IX	1961	113.0
lost to additional IX by ATV	2000	133.2
lost to ATV IX only	2719	157.4
lost to all IX	3960	246.2

Finished Sat Jun 24 18:06:45; run time 0:04:15  
16136 calls to Longley-Rice; path distance increment 1.00 km

Study with Charleston, WV Channel 55 added to the database:

Run begins Sat Jun 24 17:52:40 2000, host providence  
Analysis of: 55A KY LOUISVILLE  
HAAT 439.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1500157	28667.0
not affected by terrain losses	1481546	27984.8
lost to NTSC IX	2603	185.7
lost to additional IX by ATV	2000	133.2
lost to ATV IX only	2719	157.4
lost to all IX	4602	318.9

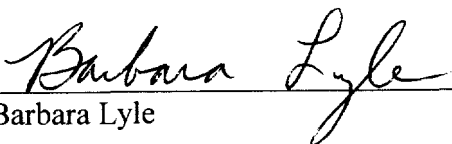
Finished Sat Jun 24 17:59:03; run time 0:05:56  
19193 calls to Longley-Rice; path distance increment 1.00 km

**CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 14th day of July, 2000, copies of the foregoing "Petition for Rulemaking" were hand delivered to the following:

Mr. Roy J. Stewart  
Chief, Mass Media Bureau  
Federal Communications Commission  
The Portals II, Room 2-C347  
445 Twelfth Street, S.W.  
Washington, DC 20554

Mr. Keith Larson  
Assistant Chief, Engineering  
Mass Media Bureau  
Federal Communications Commission  
The Portals II, Room 2-C420  
445 Twelfth Street, S.W.  
Washington, DC 20554

  
\_\_\_\_\_  
Barbara Lyle